

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VICETH RATH, #12157-078

VS.

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:16cv638
CRIM. ACTION NO. 4:05cr76(1)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding that the motion to vacate, set aside, or correct sentence should be dismissed without prejudice as successive. Movant filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the court. Movant fails to show he received permission from the Fifth Circuit to file a successive motion.

It is accordingly **ORDERED** that the motion to vacate, set aside, or correct sentence is **DISMISSED** without prejudice. It is also **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

SIGNED this 9th day of February, 2017.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE